

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT COX,)	
)	
Plaintiff,)	Civil Action No. 16 – 1037
)	
v.)	
)	
)	Magistrate Judge Lisa Pupo Lenihan
DISTRICT ATTORNEY, <i>Washington</i>)	
PA., MS. BARBARA GIBBS, <i>County</i>)	
<i>Clerk, Washington Co. P.A.,</i>)	
)	
Defendants.		

ORDER

The Plaintiff in this matter initiated this action on June 2, 2015 in the Southern District of West Virginia, and the case was transferred to this Court on July 13, 2016. However, prior to transfer, Plaintiff was released from his place of confinement and did not provide the District Court in West Virginia with an updated address. Therefore, it is unlikely that Plaintiff even received the District Court's Order transferring his case because that court did not have an address to which to mail the Order.

It appears that Plaintiff has abandoned his case. Even if he is unaware that his case was transferred to this Court, he has not filed anything at his old case number in the Southern District of West Virginia besides his initial Complaint which was filed over a year ago. Furthermore, we note that Plaintiff never paid the filing fee or filed a Motion for Leave to Proceed *in forma pauperis*, and his case cannot proceed without either. Therefore, this case will be closed until such time Plaintiff either:

- 1) tenders to the “Clerk, U.S. District Court” a statutory filing fee in the amount of \$400.00, or
- 2) files a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of the account statement for the (6) months preceding the filing of his Complaint.

Therefore,

IT IS ORDERED this 16th day of September, 2016, that the Clerk of Court is to mark this case **CLOSED**.

IT IS FURTHER ORDERED that the Plaintiff may submit a Motion to Proceed *in forma pauperis*, along with a certified copy of his account statement for the six (6) months preceding the filing of his Complaint. If that Motion is granted, the case will be reopened.

IT IS FURTHER ORDERED that the Plaintiff may reopen the case by paying the \$400.00 filing fee.

AND IT IS FURTHER ORDERED that the parties are allowed fourteen (14) days from this date to appeal this order to a district judge pursuant to Local Rule 72.C.2. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

cc: Robert Cox
42067
St. Mary's Correctional Center
2880 N. Pleasants Highway
St. Mary's, WV 26170